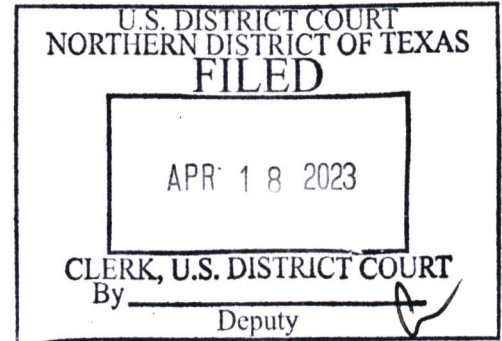


TO:  
SUBJECT: Motion To Reconsider  
DATE: 04/10/2023 06:26:13 PM

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 3:14-CR-367-B-39

RONNIE MIKEL BROWN,

Defendant.

MOTION TO RECONSIDER 03/31/23 ORDER

The Defendant, respectfully moves the Court to reconsider its March 31, 2023 order, Doc. 3528, denying defendant's motion to reduce sentence, Doc. 3526, in light of the following particulars:

1. Defendant included a copy of his request to staff addressed to the warden at USP Tucson with his motion, and is not sure why the Court did not receive it; *Defendant has attached another copy of the 01/23/23 request here.*
2. In *United States v. Segler*, 37 F.3d 1131, 1134 (5th Cir. 1994), the Fifth Circuit held defendant could not raise his 10-to-1 ration claim under 28 U.S.C. Section 2255. ①

Wherefore defendant prays the Court grants his motion for the foregoing reasons.

*Respectfully Submitted,*

x *[Signature]* Date: *04/11/23*

*Mr. Ronnie Mike / Brown*

① On April 5, 2023, the U.S. Sentencing Commission passed its amendment to U.S.S.G. § 1B1.13 allowing defendant to bring his 10-to-1 meth weight ratio under 18 U.S.C. § 3582(c)(1)(A). See, Exhibit A.

Exhibit A 1 of 3

## Proposed Amendment:

First Step Act—Reduction in Term of Imprisonment Under 18 U.S.C. § 3582(c)(1)(A)

application notes 2 (concerning the foreseeability of extraordinary and compelling reasons), 4 (concerning a motion by the Director of the Bureau of Prisons), and 5 (concerning application of subdivision 3), and make a minor technical change to the Background commentary.

Issues for comment are also provided.

**Proposed Amendment:****§1B1.13. Reduction in Term of Imprisonment Under 18 U.S.C. § 3582(c)(1)(A) (Policy Statement)**

(a) **IN GENERAL.**—Upon motion of the Director of the Bureau of Prisons **or the defendant** ~~underpursuant to~~ 18 U.S.C. § 3582(c)(1)(A), the court may reduce a term of imprisonment (and may impose a term of supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment) if, after considering the factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable, the court determines that—

- (1) (A) extraordinary and compelling reasons warrant the reduction; or
- (B) the defendant (i) is at least 70 years old; and (ii) has served at least 30 years in prison pursuant to a sentence imposed under 18 U.S.C. § 3559(c) for the offense or offenses for which the defendant is imprisoned;
- (2) the defendant is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g); and
- (3) the reduction is consistent with this policy statement.

(b) **EXTRAORDINARY AND COMPELLING REASONS.**—Extraordinary and compelling reasons exist under any of the following circumstances or a combination thereof:

(1) **MEDICAL CIRCUMSTANCES OF THE DEFENDANT.**—

- (A) {The defendant is suffering from a terminal illness (*i.e.*, a serious and advanced illness with an end of life trajectory). A specific prognosis of life expectancy (*i.e.*, a probability of death within a specific time period) is not required. Examples include metastatic solid-tumor cancer, amyotrophic lateral sclerosis (ALS), end-stage organ disease, and advanced dementia.}

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\* The text in braces currently appears in the Commentary to §1B1.13. The proposed amendment would place the text here.



Exhibit A 2 of 3

## Proposed Amendment:

First Step Act—Reduction in Term of Imprisonment Under 18 U.S.C. § 3582(c)(1)(A)

(B) {The defendant is—

- (i) suffering from a serious physical or medical condition,
- (ii) suffering from a serious functional or cognitive impairment, or
- (iii) experiencing deteriorating physical or mental health because of the aging process,

that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover.}\*

(C) The defendant is suffering from a medical condition that requires long-term or specialized medical care, without which the defendant is at risk of serious deterioration in health or death, that is not being provided in a timely or adequate manner.

(D) The defendant presents the following circumstances—

- (i) the defendant is housed at a correctional facility affected or at risk of being affected by (I) an ongoing outbreak of infectious disease, or (II) an ongoing public health emergency declared by the appropriate federal, state, or local authority;
- (ii) the defendant is at increased risk of suffering severe medical complications or death as a result of exposure to the ongoing outbreak of infectious disease or the ongoing public health emergency described in clause (i); and
- (iii) such risk cannot be mitigated in a timely or adequate manner.

(2) {AGE OF THE DEFENDANT.—The defendant (A) is at least 65 years old; (B) is experiencing a serious deterioration in physical or mental health because of the aging process; and (C) has served at least 10 years or 75 percent of his or her term of imprisonment, whichever is less.}\*

(3) FAMILY CIRCUMSTANCES OF THE DEFENDANT.—

(A) {The death or incapacitation of the caregiver of the defendant's minor child or ~~minor children~~ the defendant's child who is 18 years of age or older

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\* The text in braces currently appears in the Commentary to §1B1.13. The proposed amendment would place the text here.

*Exhibit-A 3 of 3*

## Proposed Amendment:

First Step Act—Reduction in Term of Imprisonment Under 18 U.S.C. § 3582(c)(1)(A)

and incapable of self-care because of a mental or physical disability or a medical condition.}”

(B) {The incapacitation of the defendant’s spouse or registered partner when the defendant would be the only available caregiver for the spouse or registered partner.}”

(C) The incapacitation of the defendant’s parent when the defendant would be the only available caregiver for the parent.

[(D) The defendant presents circumstances similar to those listed in paragraphs (3)(A) through (3)(C) involving any other immediate family member or an individual whose relationship with the defendant is similar in kind to that of an immediate family member.]

[(4) VICTIM OF ASSAULT.—The defendant was a victim of sexual assault or physical abuse resulting in serious bodily injury committed by a correctional officer or other employee or contractor of the Bureau of Prisons while in custody.]

[(5) CHANGES IN LAW.—The defendant is serving a sentence that is inequitable in light of changes in the law.]

**[Option 1:**

(6) OTHER CIRCUMSTANCES.—The defendant presents any other circumstance or a combination of circumstances similar in nature and consequence to any of the circumstances described in paragraphs (1) through [(3)][(4)][(5)].]

**[Option 2:**

(6) OTHER CIRCUMSTANCES.—As a result of changes in the defendant’s circumstances [or intervening events that occurred after the defendant’s sentence was imposed], it would be inequitable to continue the defendant’s imprisonment or require the defendant to serve the full length of the sentence.]

**[Option 3:**

(6) OTHER CIRCUMSTANCES.—The defendant presents an extraordinary and compelling reason other than, or in combination with, the circumstances described in paragraphs (1) through [(3)][(4)][(5)].]

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\* The text in braces currently appears in the Commentary to §1B1.13. The proposed amendment would place the text here.

\*\* The text in braces currently appears in the Commentary to §1B1.13. The proposed amendment would place the text here with the changes shown in revision marks.



Exhibit-B  
1-of 1BP-A0148  
JUNE 10

## INMATE REQUEST TO STAFF CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>M. Gutierrez, Warden</i>	DATE: <i>1-23-23</i>
FROM: <i>Ronnie M. Brown</i>	REGISTER NO.: <i>50504-177</i>
WORK ASSIGNMENT: <i>N/A</i>	UNIT: C-2

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

P

*I am requesting a reduced sentence under 18 U.S.C. section 3582(c)(1)(A) by 132-180 months imprisonment pursuant to the attached Motion, Affidavit and Memorandum of Law.*

*Date 1-23-23 Respectfully*  
*Ronnie Brown*  
*Ronnie Brown* 50504

(Do not write below this line)

DISPOSITION:

Signature Staff Member	Date
------------------------	------

Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

Ronnie Brown #50504177  
United State Penitentiary Tucson  
P.O. Box 24550  
Tucson Az. 85734

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS FOLD AT DOTTED LINE  
**CERTIFIED MAIL®**



7020 2450 0000 6735 1099

50504-177

Clerk Of The Court  
1100 Commerce ST  
Dallas, TX 75242  
United States

APR 18 2020

75242-102799

